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ARMY OPENED MAIL IN WEST BERLIN

Affidavits Suggest Seizure of Letters From U.S. May Be Continuing

By JOHN M. CREWDSON
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WASHINGTON, May 14 —

Army intelligence officers stationed in West Berlin have opened first-class mail between there and the United States and may be continuing to do so, according to two affidavits recently filed in civil court cases by Army Secretary Martin R. Hoffmann.

Mr. Hoffmann acknowledged in one of the affidavits that the Army "intercepted" in 1968 a letter from a member of the Socialist Workers Party to an addressee in West Berlin, and a second letter, four years later, that "merely discussed" a party member.

In both instances, Mr. Hoffmann said, the letters were "not then in United States mail channels." The affidavit was submitted by the Secretary in response to queries from the Socialist Workers in connection with its lawsuit against several Federal intelligence agencies.

In an affidavit filed in a related case, brought against Defense Secretary Donald H. Rumsfeld by a group of American citizens living in West Berlin, Mr. Hoffmann said, "The U.S. Army conducts monitoring of postal and telephone communications within its sector of Berlin for itself and other United States intelligence agencies."

Asked whether Mr. Hoffmann's statement could be interpreted as an acknowledgment that the Army was

continuing to open mail in West Berlin, an Army spokesman replied that the Secretary retained the authority to order mail interceptions "under certain very restrictive circumstances."

The spokesman was unable to comment on whether Army intelligence officers conducted similar mail opening operations elsewhere in the world or to say how long such practices had been under way in West Berlin.

He did say, however, that Army personnel "may conduct surveillance acts overseas during the course of criminal, national security or foreign intelligence investigations" in compliance with "applicable laws of the host country," but that such methods could be used against American citizens abroad only with the approval of the Secretary or Under Secretary of the Army in specific cases.

The Central Intelligence Agency opened and photographed first-class mail between the United States and Communist countries beginning in 1953 but ended the practice in 1973.

Mr. Hoffmann's reference to "other United States intelligence agencies" raised the possibility that the C.I.A., through Army intelligence, still has access to mail from this country opened outside of United States postal channels, but a C.I.A. spokesman refused to say whether this was the case.

The plaintiffs in the second civil suit are members of the Berlin Democratic Club, which supported Senator George McGovern of South Dakota, the Democratic Presidential candidate in 1972.

Their suit, brought with the

assistance of the American Department lawyers asserted Civil Liberties Union, alleges in the case of the Berlin Democratic Club that constitutional prohibitions against search and seizure that is not authorized by a judicial order do not apply to American citizens outside the United States.

In his response to that charge, Mr. Hoffmann declined to comment on whether letters and telephone calls to and from members of the club were intercepted in the course of the Army's surveillance.

Identification Refused

In the Socialist workers case, Mr. Hoffmann declined to identify the party member whose letter was intercepted or the individual who was discussed in the second intercepted letter.

But Syd Stapleton, a party spokesman, said he believed that a number of party members had corresponded with groups of American soldiers and German Socialists during the period in question.

In behalf of the Army, Justice

Other Justice Department lawyers have said privately that they have concluded that the C.I.A.'s mail interception program, which was centered in New York, San Francisco and New Orleans, was carried out in violation of Fourth Amendment guarantees.